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Letter dated 10 July 2017 from the Secretary-General addressed to the President of the Security Council

By paragraph 29 of its resolution 2339 (2017), the Security Council requested me to provide options for the elaboration of benchmarks to assess the measures of the arms embargo according to progress made in security sector reform, including with respect to the national defence and security forces of the Central African Republic and their needs, as well as additional information on the recommendation by the Panel of Experts on the Central African Republic to establish an arms embargo working group, potentially within the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), including composition, tasks, functioning, resource requirements and implications with regard to the implementation of the Mission's mandate for such a working group, with reference to previous similar experiences in other United Nations peacekeeping missions.

In pursuance of the above request, the Secretariat, through a dedicated assessment team comprising representatives of the Department of Peacekeeping Operations and the Department of Political Affairs, undertook a review of available information on the issue, taking into account feedback received during several rounds of consultations with relevant actors, including MINUSCA, the United Nations Institute for Disarmament Research (UNIDIR) and the Panel of Experts. The Secretariat also reviewed best practices and lessons learned on the monitoring of arms embargoes in the context of preparing my upcoming report on small arms and light weapons, in particular with respect to peacekeeping operations and special political missions with a mandate to monitor arms embargoes.

On the basis of that assessment, I hereby provide, for the consideration of the Security Council, possible options on the elaboration of benchmarks to assess the implementation of the arms embargo in the Central African Republic, as well as additional information regarding the establishment of a possible arms embargo working group.

Elaboration of benchmarks to assess arms embargo measures

The Security Council has requested assessments of arms embargoes and other sanctions measures in a number of cases. This was done in Somalia in 2014 (S/2014/243) and in Liberia in 2014 (S/2014/707) and 2015 (S/2015/590), as well as in connection with the situation in Guinea-Bissau in 2015 (S/2015/619) and 2016 (S/2016/720). Such assessments have proved to be a useful tool for the entire United Nations system for providing the Council with relevant input for its reviews of the overall sanctions regime and/or specific sanctions measures.

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Previous assessments of arms embargoes and other related sanctions measures have taken into account, among other factors, the status and relevance of the measures and their impact on the security situation in the country; their contribution to the peace process, ceasefire regimes or the cessation of hostilities agreements; the need for national legislative frameworks on weapons and ammunition management and weapons management systems; border control and customs issues; and the implementation of disarmament, demobilization, reintegration and security sector reform processes.

In the case of the Central African Republic, specific benchmarks have yet to be elaborated to reassess and/or adjust arms embargo measures. Several options for developing such benchmarks are presented below.

Option 1: Headquarters-based desk review

One option would involve a Headquarters-based desk review. Such a desk review would collect, organize and combine available information on existing lessons learned and my recent assessments on the design, implementation and monitoring of arms embargoes (see above). Those general findings would be considered together with the current analysis of arms embargo implementation in the Central African Republic. The results of the desk review may be used by the Security Council to elaborate a list of benchmarks against which the progress of implementation at the national level may be assessed. The desk review would take approximately one month to complete. While this review would be conducted in a fairly short time frame, it may not be able to provide an analysis comprehensive enough to reflect the full perspectives and concerns of international, regional and national actors based in Bangui.

Option 2: Desk review with Headquarters-based remote consultations with the field

Another option would be through a Headquarters-based desk review that would include videoconference and teleconference consultations with international, regional and national actors based in Bangui and in the region. These consultations would allow for a more comprehensive collection of information and perspectives from relevant actors in the Central African Republic to usefully complement the desk review. On the basis of the information gathered, both by the desk review and through consultations undertaken from New York, the Security Council may elaborate benchmarks against which progress at the national level in implementing the arms embargo may be assessed. Consultations would be conducted with representatives of the relevant Central African authorities, MINUSCA, the European Union Military Training Mission in the Central African Republic, the Panel of Experts and UNIDIR. This option would take an estimated two months to complete to allow for consultations among a wide range of relevant actors.

Option 3: Desk review with Headquarters-based remote consultations and field-based assessment mission

A third option would combine the Headquarters-based desk review and initial remote consultations with the field with a field-based assessment visit to the Central African Republic. The visit would allow for consultations with the widest possible range of national actors on the ground and would provide an opportunity to visit the weapons and ammunition storage facilities of the national defence and security forces. The visit would also identify national capacities to effectively manage weapons and ammunition stockpiles. The assessment team would include representatives of the Secretariat and MINUSCA and would consult the relevant national authorities (including the Ministry of Defence and the Ministry of the Interior), the Mine Action Service, the European Union Military Training Mission, the Panel of Experts and UNIDIR. This option could be completed in an estimated three months.

Arms embargo monitoring

Notwithstanding the significant political milestones achieved since early 2016, including the holding of presidential and national elections, the security situation in the Central African Republic remains extremely fragile. The ongoing presence of armed groups and other armed spoilers continues to constitute the greatest threat to peace and stability, with the illicit transfer and availability of small arms and light weapons enabling combatants to continue to fight and to perpetuate the cycle of violence and its impact on civilians.

Despite the establishment of an arms embargo by the Security Council in December 2013, the illicit trafficking of weapons and ammunition into the Central African Republic has continued, as evidenced by the identification of trafficking routes from neighbouring States by the Panel of Experts and the seizure of weapons in violation of the embargo by MINUSCA. In its reports, the Panel has identified a number of weapons-trafficking routes into the country from several neighbouring States, such as Béma on the Ubangi River, bordering the Democratic Republic of the Congo, and Tisi and Am Dafok in the north-east, close to the border with Chad and the Sudan. Recent weapons seizures by MINUSCA include 11,275 rounds of hunting ammunition and 136 machetes confiscated in Bangassou, Mbomou prefecture, on 11 April 2017.

The national capacity of the Central African Republic to prevent illicit arms trafficking is extremely limited. It lacks the operational capacity to inspect cargo entering by land, river and air, particularly given the challenges of monitoring a country of its size. In this context, the signing, on 14 February 2017, of Presidential Decree 17.069 on the creation of the National Commission on Small Arms and Light Weapons is a first step towards the operationalization of a national legislative framework on weapons and ammunition management, which should be supported by the international community, including through the provision of technical expertise.

Neighbouring States face their own challenges in terms of controlling their own borders and preventing weapons from entering the Central African Republic. According to the Panel of Experts, and as verified by MINUSCA, regional security mechanisms aimed at addressing transborder threats, including the tripartite force created by the Central African Republic, Chad and the Sudan, are initiatives to counter arms trafficking that may have an important role to play.

The mandate of MINUSCA with respect to its implementation of the arms embargo pursuant to resolution 2301 (2016) encompasses a range of activities, including monitoring the implementation of the embargo in cooperation with the Panel of Experts; inspecting, as it deems necessary and when appropriate without notice, all arms and related materiel regardless of location; and advising the authorities of the Central African Republic on efforts to keep armed groups from exploiting natural resources. MINUSCA is also authorized to seize and collect arms and any related materiel in the Central African Republic that violate the embargo and to record and dispose of such arms and related materiel as appropriate.

In areas where it is deployed, the Mission monitors entry points, illegal markets and networks for arms and ammunition trafficking and shares its findings with the Panel of Experts. Taking into account the tentative nature of available information, MINUSCA regularly seizes various types of weapons.

However, in addition to the physical limitations posed by the lack of infrastructure, the size of the country and its porous borders, MINUSCA does not have consistent and regular access to many areas of the country. Because the Mission cannot be deployed at all locations throughout the country, including in the proximity of possible arms trafficking routes, it is difficult to obtain solid evidence

of existing smuggling and/or trafficking routes and to identify the individuals and groups involved. The Mission is also therefore limited in its capacity to develop an accurate understanding of the arms trafficking situation. Nevertheless, efforts to increase aerial surveillance by MINUSCA and its reconnaissance capabilities will improve the Mission's capacity to monitor trafficking routes.

Another impediment to the Mission's embargo-monitoring capability is the persistently volatile and unpredictable security situation. Restrictions on movement and limited resources have had a negative impact on the Mission's ability to carry out its inspection mandate. The Panel of Experts has, in the past, cited several examples in which actionable information on major arms trafficking hubs or potential weapons seizures could have been better acted upon by deploying MINUSCA peacekeepers to identified locations.

Lastly, the arms embargo regime is highly politicized in the country. Popular opinion is often manipulated, ignoring the fact that the Committee has never refused an exemption request by the Government and reflecting the view that, while the national authorities are constrained by the embargo, armed groups have unimpeded access to illicit arms.

Additional information on the arms embargo working group

With a view to providing the additional information requested by the Security Council in connection with the recommendation by the Panel of Experts that an arms embargo working group be potentially established within MINUSCA, the paragraphs below describe the possible composition, tasks and functions of such a working group and the implications for the Mission's mandate. In line with the request of the Council, additional information provided draws on the lessons learned and best practices of mechanisms established within other peacekeeping missions to support the implementation of arms embargoes.

An arms embargo working group, including staff from various sections in MINUSCA, could be responsible for coordinating the Mission's efforts in the implementation of its embargo responsibilities and assisting the national authorities in this regard. As the Panel of Experts has no permanent presence in the country, the working group could also provide the Mission with a forum in which to share information with the Panel, advise on required action and engage in channelling capacity-building assistance to the relevant national institutions and agencies crucial to the implementation of the embargo, and with a view to having those institutions and agencies progressively assume more responsibility in the monitoring of the embargo within the context of the broader security sector reform.

The specific tasks of such a working group could include:

(a) Planning, organizing and coordinating monitoring responsibilities and actions: identify key arms and ammunition trafficking routes and entry points, which may include M'Poko International Airport, the port of Bangui, Béma (along the Ubangi River), Am Dafok (on the border with the Sudan) and Tisi (close to the border with Chad), and, as appropriate, provide advice on follow-up action, including inspections, seizures and disposal of weapons and ammunition by the Mission;

(b) Collecting and managing information: gather, analyse and disseminate information on key arms and ammunition trafficking routes and entry points that have been identified; share information with the Panel of Experts; enhance cooperation with relevant government entities and agencies; and share arms-related information with other relevant peacekeeping missions and United Nations expert panels;

(c) Reporting: report to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic on

action taken with respect to the inspection, seizure and disposal of arms and ammunition that are in violation of the embargo;

(d) Providing training and information: promote awareness of the arms embargo and of the respective roles of the embargo working group and the Panel of Experts; develop standard operating procedures for the collection of embargo-related information; organize training of MINUSCA staff, both military and civilian, and of national security forces so as to enhance the collection and compilation of embargo-related information at the field level; and support the national authorities in the development of exemption requests.

The effective functioning of the working group would require increasing the resources of the Mission to perform this coordination function through the inclusion of two additional arms experts that would only be considered for the 2018/19 budget period.

Observations

On the basis of the above, the Mission's current information-gathering and coordination mechanisms could be strengthened, within existing resources, to monitor the implementation of the arms embargo without the need to establish a new structure in the form of a working group.

In this connection, early in April 2017, MINUSCA launched monthly meetings to ensure that its focal point for the monitoring of the arms embargo was aware of all Mission activities requiring communication with the sanctions committee and the Panel of Experts. That forum could be responsible for coordinating the collection, analysis and management of all information pertaining to the arms embargo and ensuring a single channel of communication with the military and police components responsible for taking action with respect to inspections and seizures. It could be formally constituted within the Mission, including by developing appropriate terms of reference.

Among the tasks that the forum could undertake would be the development of standard operating procedures for the collection of embargo-related information, such as a standard arms intake form to document arms seizures, for use by the military and police components. The forum could also coordinate the training of rotating mission personnel, including military and police personnel, on the proper conduct of embargo inspections.

There is a clear correlation between the Mission's efforts to enforce the arms embargo and its strategic objective to support the creation of conditions conducive to the sustainable reduction of the presence of, and threat posed by, armed groups. Every arms seizure and every weapons-trafficking operation that is dismantled helps to weaken armed groups, including their ability to prey on the population and control natural resources, and facilitates the Mission's efforts to exercise its core mandate to protect civilians, restore security and extend State authority. MINUSCA will, therefore, continue to make every effort to ensure that its information-gathering and coordination mechanisms strengthen the Mission's overall capacity to monitor the implementation of the arms embargo, including through inspections and seizures.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) António **Guterres**